

# Prop 207 Automation Updates

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Arizona Supreme Court  
Administrative Office of the Courts  
Court Services Division  
Updated: April 2021

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# Proposition 207 Overview

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- Proposition 207, the Smart and Safe Arizona Act was a voter initiative on the November 2020 ballot. Since passing, the proposition allows the legalization of specific recreational cannabis for adult use effective December 1, 2020.
- In addition, a special action may be filed in Superior Court against the Department of Health Services for failure to adopt rules or issue a license pursuant 36-2865, effective June 1, 2021.

# General Automation Updates

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- New Title 36 Violations
- New Case Subtypes
- New Smart and Safe Fund (ZSASF)

# New Title 36 Violations

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# New Title 36 Violations

Violation	Description	Class	Sentencing
36-2853A	MARIJ POSSESSES >1 OZ - 2.5 OZ	PO	Criminal base fine, surcharges, assessments apply.
<b>36-2853B 1ST</b>	<b>MARIJ POSS/USE/TRANSP/TRNSF &lt;21YOA 1ST OFF</b>	<b>NC</b>	<b>Up to \$100 civil penalty only deposited in the Smart and Safe Fund (Surcharges do not apply); Court may sentence to 4 hours drug education/counseling. See note below.</b>
36-2853B 2ND	MARIJ POSS/USE/TRANSP/TRNSF <21YOA 2ND OFF	PO	Court may sentence to 8 hours drug education/counseling. Criminal base fine, surcharges, assessments apply.
36-2853B 3RD	MARIJ POSS/USE/TRANSP/TRNSF <21YOA 3RD OFF	M1	Criminal base fine, surcharges, assessments apply.
36-2853C	MARIJ SMOKING IN PUBLIC/OPEN SPACE	PO	Criminal base fine, surcharges, assessments apply.
36-2853D 1ST	MARIJ-UNLIC PRODUCER VIO 1ST OFF	PO	Criminal base fine, surcharges, assessments apply.
36-2853D 2ND	MARIJ-UNLIC PRODUCER VIO 2ND OFF	M3	Criminal base fine, surcharges, assessments apply.
36-2853E 1ST	MARIJ <21 MISREP AGE TO BUY 1ST OFF	PO	Criminal base fine, surcharges, assessments apply.
36-2853E 2ND+	MARIJ <21 MISREP AGE TO BUY 2ND+ OFF	M1	Criminal base fine, surcharges, assessments apply.
36-2853F 1ST	MARIJ <21YOA SOLICITING BUYER 1ST OFF	PO	Criminal base fine, surcharges, assessments apply.
36-2853F 2ND+	MARIJ <21YOA SOLICITING BUYER 2ND+ OFF	M3	Criminal base fine, surcharges, assessments apply.

# New Case Subtypes

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**Special Action Against an Administrative Body** (GJ courts only)

**Marijuana Non-Criminal** (LJ courts only)

# Special Action Against an Administrative Body


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- A new **Special Action Against an Administrative Body** case subtype was created in the General Jurisdiction Courts to separate a special action from a lower court from a special action against an outside administrative agency.
- In the Create a New Case screen, select the appropriate case subtype under the “Special Action” case type and proceed with standard case processing flow.




# Special Action Against an Administrative Body


Create a New Case


 Cancel


Date: 11/23/2020 


Case Type Information

Court Type: CIVIL 

Case Category: CIVIL 

Case Type: SPECIAL ACTIONS 


Case Sub Type: 

Filing Type: 

Commenced By:

Code	Description
SPALC	SPECIAL ACTION AGAINST A LOWER COURT
SPAAB	SPECIAL ACTION AGAINST AN ADMINISTRATIVE BODY

Select Case Subtype  
"Special Action against  
an Administrative  
Body"



# Marijuana Non-Criminal Case Subtype

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- A new **Marijuana Non-Criminal** case subtype was created for the limited jurisdiction courts when entering a first offense of 36-2853B from an ATTC.
- Courts should select charge “**36-2853B 1<sup>st</sup>**” when entering a violation of 36-2853B unless priors are alleged by the prosecuting agency.

# Marijuana Non-Criminal Case Subtype

Citation Entry Case Summary-M0346CP2020002032

Relate Case Consolidate Schedule Frequent Events Assign/Assign Case Charge/Sentencing Case Worksheet Arrest Info Order Status Set Bonds Status History Case Admin

General Case Information

Case Number M0346CP2020002032 11/20/2020 12:00 AM Complaint Number 789789789 STATE OF ARIZONA

Court Type CIVIL TRAFFIC AND OTHER CI

Case Category CIVIL PENALTY

Case Type OTHER STATUTORY CIVIL PE

Case Sub Type MARIJUANA NON-CRIMINAL

Assigned Courtroom

Sealed Case ☐ Restricted Case ☐ Jury Trial Request

Agency SEDONA PD, SEDONA

Accounting

Agency Case Number

Arrest Record

Bonds

Case Dashboard

Drag a column header here to group by that column.

Charge Count	Charge Se	Charge Code	Charge Description	Charge Class	Charge Type	Offense From	Offense To	Party Name	Disposition
1	1	36-2853B 1ST	MARIJ POSS/USE/TRAN SP/TRN SF <21YOA 1ST OFF	NON- CRIMINAL		11/20/2020	11/20/2020	SAM, TEST	

A first offense of “36-2853B 1<sup>st</sup>” will create a CP case number with a **Marijuana non-criminal case subtype**. This charge will also allocate monies 100% to the new Smart and Safe Fund.



# New Smart and Safe Fund (ZSASF)

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- **A violation of 36-2853B 1<sup>st</sup> offense is subject to a civil penalty of up to \$100. Surcharges and additional assessment do not apply.** The new marijuana civil penalty will be allocated to the new Smart and Safe Fund (ZSAF).
- Standard criminal base fine, surcharges and assessments apply to all other violations in 36-2853, including 36-2853B 2<sup>nd</sup> offense and 36-2853B 3<sup>rd</sup> offense.

# New Smart and Safe Fund (ZSASF)

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- A new Smart and Safe Arizona line has been created on the State Remittance Report for marijuana civil penalties collected by the courts from violations of 36-2853B 1st. No other violations, including violations of 36-2853B 2<sup>nd</sup> and 36-2853B 3<sup>rd</sup> should assess or allocate to this fund.

Smart and Safe Arizona	36-2856; 36-2853B1	
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# Case Processing in LJ *AJACS*

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# Entering 36-2853B 1st Offense

- All violations of 36-2853B cited on an ATTC should be entered as a first offense using the "36-2853B 1st" offense reference number in AJACS.

<b>ON</b>	Month	Day	Year	Time	AM PM	<b>SPEED</b>	Approx.	Posted	R&P	Speed Measurement Device	Direction of Travel	
<b>AT</b>	Location 5555 W. Law Road									Insert Name of Town or County	State of Arizona	Beat
The defendant committed the following:												
<b>A</b>	Section <b>36-2853B</b>	ARS CC	Violation <b>MARIJ POSS/USE/TRANSP/TRNSF &lt;21YOA</b>			Domestic Violence <input type="checkbox"/>		<input type="checkbox"/> Criminal		<input type="checkbox"/> Criminal Traffic		
	Docket Number	Disp. Codes		Date of Disposition		Sanction		<input type="checkbox"/> Municipal Code		<input checked="" type="checkbox"/> Civil Non-Traffic		
								<input type="checkbox"/> Civil Traffic		<input type="checkbox"/> Petty Offense		

# Entering 36-2853B 1st Offense

- Use the Citation Entry Screen. Unless priors are alleged, all 36-2853B violations cited on a traffic citation should be entered using charge 36-2853B 1<sup>ST</sup>.

The screenshot displays the 'Charge Information' screen in a law enforcement database. At the top, the 'Offense Date' is set to 12/07/2020, and the 'Offense Time' is marked as 'Not Indicated'. Below this is a table titled 'CHARGES' with columns for Citation No., Charge Identif, Charge, Description, Tier, Location, Alleged Sp, Posted S, and RP Speed. The first row shows a citation number 989080993 and a charge of 2853B, which is expanded to show a list of options. The first option, '36-2853B 1ST', is circled in red. Below the table, there are checkboxes for 'Fingerprints Received?', 'Victim Indicator', and 'Victim Notification Indicator'. At the bottom, there are fields for 'Badge #' and 'Officer 1' and 'Officer 2'. To the right of these fields are 'Move Up' and 'Move Down' buttons.

Citation No.	Charge Identif	Charge	Description	Tier	Location	Alleged Sp	Posted S	RP Speed
989080993		2853B	MARU POSS/USE/TRANSP/T...					
CHARGES								
		36-2853B 1ST	MARU POSS/USE/TRANSP/T...					
		36-2853B 2ND	MARU POSS/USE/TRANSP/T...					
		36-2853B 3RD	MARU POSS/USE/TRANSP/T...					



# Entering 36-2853B 1st Offense

- Civil penalty case number will be created.

Citation Entry Case Summary- M0346CP2020002032

Relate Case Consolidate Schedule Frequent Events Assign/Reassign Case Charge/Sentencing Case Worksheet Arrest Info Order Status Set Bonds Status History Case Admin

General Case Information

Case Number M0346CP2020002032 Filing Date 11/20/2020 12:00 AM Complaint Number 789789789 STATE OF ARIZONA vs TEST SAM

Court Type CIVIL TRAFFIC AND OTHER CI Filing Type NEW CASE FILING

Case Category CIVIL PENALTY Case Status PRE-ARRAIGNMENT

Case Type OTHER STATUTORY CIVIL PE Case Status Date 11/20/2020

Case Sub Type MARIJUANA NON-CRIMINAL Judge

Assigned Courtroom Courtroom Asgmt Dt

Sealed Case ☐ Restricted Case ☐ Jury Trial Requested ☐ Complex ☐ Remove From Public Access ☐

Agency SEDONA PD, SEDONA Officer 1 Officer 2

Accounting

Agency Case Number

Arrest Record

Bonds

Case Dashboard

Drag a column header here to group by that column.

Charge Count	Charge Se	Charge Code	Charge Description	Charge Class	Charge Type	Offense From	Offense To	Party Name	Disposition
1	1	36-2853B 1ST	MARIJ POSS/USE/TRAN SP/TRN SF <21YOA 1ST OFF	NON- CRIMINAL		11/20/2020	11/20/2020	SAM, TEST	



# Sentencing 36-2853B 1st Offense

- In the Case Worksheet Screen, the base fine column should display the total amount with no surcharges calculated.

SALES TAX WITH 110 CREDIT FOR CREDITORS

+ Case Processing Notes																
+ Case Fees																
- Charges																
Citation Nu	Charge	Descripti	Disposition	Disposition	Plea	Plea Dat	Presumpti	Imposed	Tier	Restitutio	Jail Days Imp	Probatio	Court Mand	Charge Sta	Prep. Offen	Senten
7889789-1	36-2853...	MARIJ...	11-PLEA...	11/20/2020	NOT GUL...	11/20/2...	0.00	100.00			0	0	<input checked="" type="checkbox"/>	POST-ADJ...		
- Financials																
Fines/Fees	TYPE	BASE	SURCHARGE	OTHER COSTS	PRESUMPTIVE	IMPOSED	MANDATORY MIN	CUSTOMARY	WAIVE							
		100.00	0.00	0.00	0.00	100.00	0.00	0.00	<input type="checkbox"/>							
Restitution																
Conditional																

# Sentencing 36-2853B 1st Offense

Receipt Date From 11/23/2020 Receipt Date To 11/23/2020 View Report

1 of 1 100% Find Next

### Summary Allocation by Agency Report

YAVAPAI COUNTY SUPERIOR COURT

Report generated 11/23/2020 12:27:55 PM

From Date : 11/23/2020 To Date : 11/23/2020

GL Account Num	GL Account Name	Receipt Amount	Dishonored Amount	Adjusted Amount	Bond Forfeiture Amount	Net Amount	5% Set Aside
ZSASF	SMART AND SAFE FUND	\$100.00				\$100.00	\$5.00
	<b>SubTotal:</b>	<b>\$100.00</b>				<b>\$100.00</b>	<b>\$5.00</b>
	<b>Grand Total:</b>	<b>\$100.00</b>				<b>\$100.00</b>	<b>\$5.00</b>

All monies received  
will allocate to  
Smart and Safe  
Fund only.

# Sentencing 36-2853B 1st Offense

Court Mandates										
Citation Number	Charge	Court Mandate	Provider	Duration	Duration Type	Telephonic Screening	Out of State	DOC	Due Date	Order Status
989080998	36-2853B 1ST	DRUG EDUCATION/COUNSELING		4	Hours	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	12/25/2020	
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

Concurrent Cases

Additional Order

Court Mandate Detail

Select the “Drug Education and Counseling” dropdown if the defendant is ordered to attend by judge.



# Entering a Criminal Violation in 36-2853

- Except for the first offense of 36-2853B, all violations under 36-2853 are **criminal charges**. Select the appropriate violation and classification according to the charging document. In this case, 36-2853B 2<sup>nd</sup> offense is selected.

			Offense Reference Number	Offense Description	Offense Class	Qualifier
			36-2853A	MARIJ POSSESSESS >1 OZ ...	PETTY OFFENSE	
Vehicle Information			36-2853B 1ST	MARIJ POSS/USE/TRANSP/T...	NON-CRIMINAL	
Charge Information			36-2853B 2ND	MARIJ POSS/USE/TRANSP/T...	PETTY OFFENSE	
			36-2853B 3RD	MARIJ POSS/USE/TRANSP/T...	MISD. 1ST DEGREE	
			36-2853C	MARIJ SMOKING IN PUBLIC/...	PETTY OFFENSE	
			36-2853D 1ST	MARIJ-UNLIC PRODUCER VI...	PETTY OFFENSE	
			36-2853D 2ND	MARIJ-UNLIC PRODUCER VI...	MISD. 3RD DEGR...	
			36-2853E 1ST	MARIJ <21 MISREP AGE TO B...	PETTY OFFENSE	
Offen	Complaint Number	Charge Identifier	36-2853	MARIJ POSSESSESS >1 OZ...		ocation

# Entering a Criminal Violations in 36-2853

- A Criminal Case number will be created.

**General Case Information**

Case Number	M0747CU2021000394	Filing Date	04/21/2021 01:08 PM	Complaint Number	4104
Court Type	CRIMINAL	Filing Type	NEW CASE FILING		
Case Category	CRIMINAL - UNCLASSIFIED	Case Status	PRE-ARRAIGNMENT		
Case Type	PETTY OFFENSE	Case Status Date	04/21/2021		
Case Sub Type	PETTY OFFENSE - STATE	Judge			
Assigned Courtroom		Courtroom Asgmt Dt			
Sealed Case	<input type="checkbox"/>	Restricted Case	<input type="checkbox"/>	Jury Trial Requested	<input type="checkbox"/>
		Complex	<input type="checkbox"/>	Remove From Public Access	<input type="checkbox"/>
Agency	GLENDALE PD	Officer 1			
		Officer 2			

**Agency Case Number**

Arrest Record

Bonds

Case Dashboard

Charges

Citations

Drag a column header here to group by that column.

Charge Count	Charge Seq	Charge Code	Charge Description	Charge Class	Charge Type	Offense From	Offense To
1	1	36-2853B 2ND	MARIJ POSS/USE/TRANSP/ TRNSF <21YOA 2ND OFF	PETTY OFFENSE		04/21/2021	04/21/2021







# IMPORTANT

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- Selecting the correct charge code in AJACS is important and will determine how the case is created and processed. In addition, monies may allocate erroneously.
- After case creation, if a prior is alleged by the prosecuting agency the non-criminal case may be dismissed and a new criminal case created. This process is recommended to ensure the correct sentencing is applied and the appropriate downstream automation and case processing is evoked.

# Case Processing in GJ AJACS

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## Juvenile Case Referral

When entering a juvenile case referral for

**36-2853B 1st**

the following fields are recommended:

**Court Type- JUVENILE**

**Case Type- JUVENILE OTHER**

**Case Type- UNCLASSIFIED**

**Commenced by: REFERRAL**

The screenshot shows a 'Create a New Case' dialog box with the following fields and values:

- Filing Date:** 03/11/2021
- Case Type Information:**
  - Court Type:** JUVENILE
  - Case Category:** JUVENILE - OTHER
  - Case Type:** UNCLASSIFIED
  - Case Sub Type:** (empty)
  - Filing Type:** COUNTY ATTORNEY
  - Commenced By:** REFERRAL (highlighted with a red oval)

Each dropdown menu has a red exclamation mark icon next to it, indicating a warning or required field. The 'OK' and 'Cancel' buttons are at the top left, and a close button (X) is at the top right.



# New GJ AJACS Event Codes

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- A new event code was created to docket the Juvenile Referral of **36-2853B 1st** offense.
  - Event Category **CHARGING DOCUMENT**
  - New event: **JUVENILE REFERRAL**

# New GJ AJACS Event Codes

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- New event codes were created to docket a juvenile's entry of admission or denial for a first or second offense cases under 36-2853B.
  - New events: **STATEMENT: ADMISSION** and **STATEMENT: DENIAL**
- The event codes can be used to record if the juvenile admits to the offense and wishes to either pay the fine or take a class in lieu of the fine, or if the juvenile denies the offense and wishes to have a hearing on the matter.

# Additional Information

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- The Violation Standardization Webpage has been updated to reflect the Proposition 207 statute changes effective 12/1/2020:  
<https://www.azcourts.gov/courtservices/Automation-Services-Unit/Statewide-Standard-Violation-Code-Table>
- Prop 207 language can be found at the following link:  
[https://azsos.gov/sites/default/files/2020\\_General\\_Election\\_Publicity\\_Pamphlet\\_English.pdf](https://azsos.gov/sites/default/files/2020_General_Election_Publicity_Pamphlet_English.pdf)



# Questions?

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- If you have any questions or need assistance, contact the AOC Support Service Center at 602-452-3900 or 1-855-229-3900 to create a remedy ticket.